IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

FRIDAY, THE 22ND JUNE 2007 / 1ST ASHADHA 1929

WP(C).No. 15619 of 2007(H)

PETITIONER:

AMMUKUTTY AMMA, D/O.RAMAN,
VANWVAN PADAM, P.O.NANNIYODE, CHITTUR TALUK,
PALGHAT DISTRICT.

BY ADV. SRI.A.K.MADHAVAN UNNI,
SRI.S.RAMACHANDRAN.

RESPONDENTS:
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1. **THE ASSISTANT REGISTRAR OF CO-OPERATIVE SOCIETIES AND JUNIOR INSPECTOR/SPECIAL SALE OFFICER, KODUVAYOOR SERVICE CO-OPERATIVE BANK GROUP, KODUVAYOOR, PALAKKAD.**

2. **THE PERUMATTY SERVICE CO-OPERATIVE BANK LTD., VANDITHAVALAM, VILAYODI, PALAKKAD DISTRICT, REPRESENTED BY ITS SECRETARY.**

BY ADV. SRI.K.RAMAKUMAR,
GOVT. PLEADER SRI. P.K. RAVIKISHNAN.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 22/06/2007,ALONG WITH W.P.(C). NO. 4566/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.15619/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE NOTICE DTD. 20/03/2007.

EXT.P.2: COPY OF THE ORDER OF THE PUBLIC NOTICE DISPLAYED IN THE BANK PREMISES BEARING NO DATE.

EXT.P.3: COPY OF THE NOTIFICATION IN FORM NO. 8 UNDER RULE 81 (E) OF THE CO-OPERATIVE SOCIETIES RULES.

RESPONDENT'S EXHIBITS:

EXT.R2.A: COPY OF THE AWARD DT. 23/04/2001 BY R1 IN ARC 918/2000.

EXT.R2.B: COPY OF THE EXECUTION PETITION DT. 31/12/01 FILED BY R2. BANK.

EXT.R2.C: COPY OF THE OFFICE NOT DT. NIL BY R1.

EXT.R2.D: COPY OF THE NOTICE DT. 07/04/2003 BY R1.

EXT.R2.E: COPY OF THE NOTICE DT. 14/02/2005 BY R1.

EXT.R2.F: COPY OF THE INTIMATION DT. 16/06/2005 BY R1.

//TRUE COPY//

prv.

K. M. JOSEPH, J.

W.P.C. NO. 15619 OF 2007 H

Dated this the 22nd June, 2007

JUDGMENT

Petitioner availed a loan. Property is put to sale in recovery proceedings. Petitioner challenges Exts.P1, P2 and P3. I heard the learned counsel appearing for the petitioner and also the learned counsel appearing for the second respondent Bank. Counsel for petitioner submits that petitioner is entitled to the benefit of Circular No.30/07. He also prays that the petitioner may be permitted to pay off the amount in instalments. He also points out that the petitioner has already paid Rs.30,000/= on the basis of interim orders. In such circumstances, the Writ Petition is disposed of as follows:

Petitioner is permitted to pay off the entire amount she is bound to pay after getting such concessions as she is entitled to under Circular No.30/07 in six equal monthly instalments. The respondent Bank will furnish a Statement to the petitioner within three weeks from today after granting such benefits as she is

entitled to under Circular No.30/07, showing the entire amount payable and also the amount of instalments quantified on the basis that she has to pay the amount in six equal monthly instalments. Upon receipt of the Statement, petitioner shall pay the first instalment on or before 10.8.2007. Petitioner will pay the subsequent instalments on or before the 10th of every succeeding month. If she commits default in payment of any of the instalments, she will lose the benefit of this Judgment and the respondent Bank will be free to proceed against the petitioner in accordance with law.

K. M. JOSEPH, JUDGE

kbk.